

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated July 7, 2009 and, thus, the application is in condition for allowance.

By this reply, claims 1, 6-9, 14-15, 17-26, and 28 are amended. Claims 1 through 30 remain pending. Of these, claims 1, 7, 9, 15, 17, 20, 23, 25, and 28 are independent.

In the outstanding Office Action, claims 5 and 13 were objected to for being of improper dependent form for failing to limit the subject matter of a previous claim. Applicant respectfully traverses and asserts that the subject of the stated dependent claim is not inherently or intrinsically defined or stated within the body of the independent claims from which they depend. Independent claims 1 and 9, as amended, recite identification of a type and a model of a wireless device, then selects pairing information for the type and the model of the wireless device. For example, if the wireless device is identified as a MOTOROLA CLIQ, then pairing information for MOTOROLA CLIQs is selected. There may be several MOTOROLA CLIQs, each using the same pairing information according to claims 1 and 9. However, this is modified by claims 5 and 13 where the pairing information is for a single specific wireless device. This means that one MOTOROLA CLIQ does not have the same pairing information as another MOTOROLA CLIQ. Since the pairing information is different for each device, the subject matter of claims 5 and 13 is narrower than claims 1 and 9. In claims 1 and 9, the encryption key is unique to a type and a model of a wireless device. In claims 5 and 13, the encryption key is unique to the exact wireless device. Therefore the rejection should be withdrawn.

In the outstanding Office Action, claims 1-8 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. It is asserted that claim 1 recites a wireless device including logic that identifies a type and model of a second wireless

device and selects pairing information from a plurality of pairing information for the identified device. It is further asserted that it is a network/server that actually retrieves a pairing code based on this information (paragraph [0031]). Application respectfully traverses.

The Office Action points to paragraph [0031], which states the wireless network 102 locates pairing information for the identified device from a repository 208 of such information. However, Figure 2 merely shows an embodiment of the present invention. The pairing information 208 and the speech recognition logic 304 may be comprised as well by network elements other than those specifically identified in the figures (paragraph [0048]). A "network element" is any one or more devices of a communication network, e.g. devices that participate at least occasionally in the operation of the network (paragraph [0025]). Finally, in another embodiment, the repository 208 of pairing information for various devices may be comprised by the phone 110 (paragraph [0033]). Claims 1-8 seek to capture this variation, which is clearly supported by the specification. Therefore, the rejection should be withdrawn.

In the outstanding Office Action, claims 1-16 were rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 7, 9, and 15 were rejected as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. The omitted elements are: a memory for storing the claimed logic. It is asserted that logic could not be accessed by a processor if it were not stored in some type of hardware accessible memory device. Applicant respectfully traverses. Nevertheless, to expedite prosecution, Applicant has amended claims 1, 7, 9, and 15 to include a memory for storing the claimed logic. Therefore, the rejection should be withdrawn.

In the outstanding Office Action, claims 1-2, 5, 7, 9-10, 13, 15, 17-18, 20-21, 23, 25-28, and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (U.S. Patent Application No. 2002/0065663) in view of Watanabe (U.S. Patent Pub No. 2002/0039479). It is asserted that Thomas discloses substantially the same devices and methods for pairing wireless devices recited in the pending claims except for a link between an identifying pairing information based upon another device's type and model or specifically teach encryption codes associated with the devices. It is then asserted that Watanabe recites a system that pairs wireless devices that store link or encryption keys in memory in association with unique apparatus device IDs. It is further asserted that Watanabe also teaches encryption or authentication codes unique to the wireless devices. It is then concluded that it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Thomas with the teachings of Watanabe in order to provide unique information that better enables restrictive access of network devices. Applicant respectfully traverses.

Neither Thomas, Watanabe, nor any other related art of record, teaches or fairly suggests the present invention as recited in the pending claims. For example, Thomas does not teach a first wireless device identifying a hands-free set, including a type and a model of the hands-free set. This element is recited in each of the independent claims and is disclosed, for instance, in paragraph [0030] of the specification. A wireless device such as a telephone, for example, can identify the type and model of a hands-free set and pass on that identity to the network or select from identities within the wireless device. This allows the wireless device to gain the correct encrypted keys in order to establish an encrypted connection between itself and the hands-free set. Thomas discloses devices communicating over the public internet (Thomas, Paragraph [0019]). At most, Thomas teaches outputting an IP address in the form of speech over a speaker

(Thomas, Paragraph [0020]). However, nowhere does Thomas disclose one wireless device identifying a hands-free set. There is nothing in Thomas to suggest a hands-free set. A user in Thomas must know and enter the IP address of a device somewhere on a network. Devices in Thomas are not identifying each other in a “pair” (direct communication between devices, paragraphs [0006]-[0007]), they are accessing each other across a network. Access across a network teaches away from the present invention because of the present invention’s use of proximity as a security measure (paragraph [0030]).

Furthermore, Watanabe does not teach a first wireless device identifying a hands-free set, including a type and a model of the hands-free set. Watanabe teaches automatically setting a recording function of a recording apparatus in a restricted state without special care in a position where image-capturing, sound recording, etc. are prohibited (Watanabe, abstract). There is nothing in Watanabe that teaches or fairly describes a hands-free set at all. Also, Watanabe does not disclose “pairing” the recording apparatus with a wireless device. At most, Watanabe discloses an electronic camera automatically starting communications with a portable telephone (Watanabe, paragraph [0092]). Wireless devices that communicate via Bluetooth and/or other relatively short-range wireless techniques may require "pairing" in order to establish secure communication between the devices (paragraph [0006]). According to Watanabe, the devices are somehow automatically paired, thus negating a need for the system of Thomas. The “pairing” process as mentioned in paragraph [0110] of Watanabe refers to an authentication process which is necessary to allow the recording apparatus to record. The communication of the authentication code is not to establish secure communication because communication has already been established. Therefore, a combination of Thomas and Watanabe would result in a portable telephone calling a recording apparatus through a network and allowing or restricting a

recording function using a speech synthesizer having a minimum vocabulary. This is far from the simple pairing act of a hands-free set with a wireless device that the independent claims of the present invention capture. Because Thomas does not teach the recited elements and Watanabe cannot cure this defect, Thomas and Watanabe do not render these claims obvious. Thus, the rejection should be withdrawn and the claims allowed to issue.

Because Thomas and Watanabe do not teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Thomas and Watanabe. For this reason, Applicant respectfully requests withdrawal of the rejection.

In the outstanding Office Actions, claims 3, 8, 11, 16, 19, 22, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Watanabe in view of Willey et al. (U.S. Pat. Pub.2003/0065918). It is asserted that Thomas and Watanabe substantially disclose a method and apparatus according to the present invention as recited in the claims, but for synchronizing pairing communication acts with pairing outputs. It is further alleged that Willey does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Thomas, Watanabe, Willey, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, Thomas and Watanabe do not teach a first wireless device identifying a hands-free set, including a type and a model of the hands-free set. This element is recited in each of the independent claims and is disclosed, for instance, in paragraph [0030] of the specification.

Claim 3 depends from claim 1 and thus necessarily includes each element from claim 1. As stated above, there is nothing in Thomas or Watanabe which teaches or fairly discloses a hands-free set at all, and a combination of the references would not result in the present invention.

Furthermore, Willey fails to cure the deficiencies in Thomas and Watanabe because Willey does not disclose a method or apparatus wherein a first wireless device identifies a type and model of a hands-free set. Willey teaches establishing a key between a first device and a second device, and includes the step of establishing a shared secret in the first device and in the second device (Willey, paragraph [0018]). In setting up this invention, Willey describes the problems of “pairing” devices in public such as an eavesdropper monitoring the transmission (Willey, paragraph [0004]). The present invention, as claimed, uses an audible exchange using a speaker and a microphone in the wireless devices. This method helps ensure proximity of the pairing devices, which makes it very hard for an eavesdropper to succeed without the user knowing (paragraph [0030]). Since Willey does not teach a first wireless device identifying a type and model of a hands-free set, Willey does not cure the deficiencies of Thomas and Watanabe. Therefore, the rejection should be withdrawn and the claims allowed to issue.

Thus, neither Thomas, Watanabe, nor Willey, alone or in combination, teaches all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Thomas or Watanabe or Willey. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant’s own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present

invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 4, 12, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Watanabe and further in view of Asano. It is asserted that Thomas in view of Watanabe discloses substantially an apparatus according to the present invention as recited in the claims, but for device pairing codes common to a particular model of wireless device. It is further alleged that Asano does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Thomas, Watanabe, Asano, nor any other related art of record, alone or in combination, discloses or fairly suggests the present invention as recited in the pending claims. For example, Thomas and Watanabe do not teach a first wireless device identifying a hands-free set, including a type and a model of the hands-free set. This element is recited in each of the independent claims and is disclosed, for instance, in paragraph [0030] of the specification. Claim 4 depends from claim 1 and thus necessarily includes each element from claim 1. As stated above, there is nothing in Thomas or Watanabe which teaches or fairly discloses a hands-free set at all, and a combination of the references would not result in the present invention.

Furthermore, Asano fails to cure the deficiencies in Thomas and Watanabe because Asano does not disclose a method or apparatus wherein a first wireless device identifies a type and model of a hands-free set. Asano teaches a player or recorded that has an updated key for each generation and a method of updating this key via a tree-structured distribution system (Asano, abstract). Nowhere in Asano is a hands-free set mentioned at all. Furthermore, the present invention provides security for the user due to the audible exchange of information.

Claims 4, 12, and 29 are dependent upon claims 1, 9, and 28, respectively, which have been traversed above. These claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claim from any teaching or suggestion by Thomas, Watanabe, or Asano. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 6 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Watanabe, and in view of Haller (U.S. Pat. 6,845,097). It is asserted that Thomas and Watanabe disclose substantially an apparatus according to the present invention as recited in the claims, but for audio information corresponding to DTMF tones. It is further alleged that Haller does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Thomas, Watanabe, Haller, nor any other related art of record, alone or in combination, discloses or fairly suggests the present invention as recited in the pending claims. For example, Thomas and Watanabe do not teach a first wireless device identifying a hands-free set, including a type and a model of the hands-free set. This element is recited in each of the independent claims and is disclosed, for instance, in paragraph [0030] of the specification. Claim 6 depends from claim 1 and thus necessarily includes each element from claim 1. As stated above, there is nothing in Thomas or Watanabe which teaches or fairly discloses a hands-free set at all, and a combination of the references would not result in the present invention.

Furthermore, Haller fails to cure the deficiencies in Thomas and Watanabe because Haller does not disclose a method or apparatus wherein a first wireless device identifies a type and model of a hands-free set. The portion of Haller cited by the Office Action at most discloses a human uttering codes to pair devices (Haller, Column 6, Lines 22-37). This requires human intervention that is not necessary in the present invention. The present invention can be automated based upon speech signals from one device to the other. This is not possible in Haller. Therefore, Haller cannot cure the deficiencies of Thomas. For at least this reason, the rejection should be withdrawn.

Thus, neither Thomas, Watanabe, nor Haller, alone or in combination, teaches all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Thomas, Watanabe, or Haller. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No extension of time is believed to be necessary to enter this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections

have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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